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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,807	04/12/2001	Janusz Pawliszyn	35952-0004	1420

7590 03/17/2004

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EXAMINER

CHOI, LING SIU

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,807

Applicant(s)

PAWLISZYN ET AL.

Examiner

Ling-Siu Choi

Art Unit

1713

eb

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/13/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-7 are now pending, wherein they are drawn to an apparatus for capillary isoelectric focusing.

Claim Rejections - 35 USC § 102

2. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Huang et al. [The Analyst Communication, 125, 1231-1233 (2000)] or under 35 U.S.C. 102(b) as being anticipated by Johansson et al. [Electrophoresis, 19, 2233-2238 (1998)], Taylor et al. [Anal. Chem. 64, 1741-1744 (1992)], or Yeung et al. (US 5,324,401).

The present invention relates to an apparatus for capillary isoelectric focusing, comprising

(a)	separation capillary filled with a migration medium in which fluorescent analytes migrate or are in stationary equilibrium
(b)	laser light source for axial irradiation of the capillary at one end thereof to excite the fluorescent analytes
(c)	column imaging detection means for monitoring the isoelectric focusing process
wherein the separation capillary is made of a material having a sufficiently low refractive index that the intensity of laser light scattered from the walls of the separation capillary is negligible relative to the fluorescence of the analytes in the migration medium	

(summary of claim 1)

Huang et al. disclose an apparatus for the capillary isoelectric focusing electrophoresis, wherein argon ion laser is used as the excitation source for an axially illuminated laser induced fluorescence whole column imaging detection and the isoelectric focusing process is monitored dynamically by a thermoelectrically cooled CCD camera in the low refractive index PTFE capillary (abstract).

Johansson et al. disclose an apparatus for capillary electrophoresis comprising axial-beam absorption detection, wherein the probing UV light is introduced at one end of the capillary and shows an exponential fall-off along the capillary (abstract).

Taylor et al. disclose an apparatus for capillary electrophoresis, comprising axial beam laser excited fluorescence detection (col. 1 of pages 1741; page 1742 and 1743).

Yeung et al. disclose an apparatus for capillary electrophoresis, comprising laser irradiation of a sample in a plurality of capillaries through optical fibers that are coupled individually with the capillaries and the array being imaged orthogonally through a microscope

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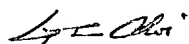
onto a charge-coupled device camera for signal analysis via fluorescent emission (abstract; claim 1).

Thus, the present claims are anticipated by the disclosure of Huang et al., Johansson et al., Taylor et al., or Yeung et al. (US 5,324,401).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-372-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.



Ling -Siu Choi

March 5, 2004